

REMARKS

Claims 1-24 are pending in the instant application. Claims 1-24 have been rejected by the Examiner. Claims 1, 3, 8, 10, 12, 16, 17, 19, and 20 have been amended. Claims 2, 11, 15, and 21 have been cancelled without prejudice or disclaimer. The Applicants submit that claims 1, 3-10, 12-14, 16-20, and 22-24 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Support for Claim Amendments

Independent claims 1, 10, and 19 have been amended to include features previously recited in what are now cancelled claims 2, 11, and 21.

Claims 3, 12, and 20 have been amended to remove the term, “at least one of.” Further, claim 12 has been amended to include the features previously recited in what is now cancelled claim 15.

Claim 8 has been amended to clarify the nature of the electronic activities in response to the Examiner’s rejection under 35 U.S.C. 112. Support for the amendment may be found, e.g., in the claims as originally filed (see, e.g., claim 1).

Claims 16 and 17 have been amended to provide antecedent basis in view of the claim amendments. Thus, no new matter has been entered.

Claim Rejections Under 35 USC §112

Claims 8 and 9 have been rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite. In particular, the Examiner states the feature “wherein the electronic activities includes accessing a personal information calendar,” is not clear. The Applicant has amended claim 8 to clarify the recited electronic activities. As amended, claim 8 now recites, *inter alia*, “wherein the electronic activities **conducted by the network user** include accessing a personal information calendar.” The Applicant submits that claim 8 (and claim 9 which depends on claim 8) is in compliance with 35 U.S.C. 112. Reconsideration and withdrawal of the outstanding rejection is respectfully requested.

Claim Rejections Under 35 USC §103

Claims 1-4, 6, 7, 10-13, and 19-22 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Publication No. 2002/0046093 to Miller et al. (hereinafter “Miller”) in view of U.S. Publication No. 2001/0051905 to Lucas, and further in view of U.S. Publication No. 2002/0120712 to Maislin. In addition, claims 5 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Lucas and Maislin, as applied to claim 3, and further in view of U.S. Patent No. 6,061,682 to Agrawal et al. (hereinafter “Agrawal”). Also, claims 8, 9, 18, and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Lucas and Maislin, as applied to claim 1, and further in view of U.S. Publication No. 2004/0259536 to Keskar et al. (hereinafter “Keskar”). Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Lucas and Maislin, as applied to claim 10, and further in view of U.S. Publication No. 2001/0011222 to McLaughlin et al. (hereinafter “McLaughlin”). Additionally, claims 16, 17, and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Lucas, Maislin, and McLaughlin, and further in view of Official Notice. The Applicants traverse the outstanding rejections for at least the following reasons.

Independent claim 1 is directed to a method for automating recurrent electronic transactions conducted over a network. Claim 1 has been amended to recite, *inter alia*, “the electronic activities subject to the gathering comprising accessing a web site, performing a detectable user action on a web page, drafting an email, searching a web-based electronic search engine, entering a new task or accessing an existing task in an electronic task folder, and creating, editing, or viewing a document; wherein the data gathered includes data collected in response to each of the electronic activities conducted by the network user.”

None of the cited references, alone or in combination, teaches, suggests, or renders obvious these features. Miller is directed to a system for targeting and delivering sales information based upon user input relating to products (Abstract). Miller teaches personally identifying information concerning a registered user is solicited and gathered by the services (such as “name, billing & shipping address, e-mail address, telephone number, credit card

number...demographic information such as gender, age, income level and other information that a user voluntarily provides in response to feedback forms and surveys” (paragraph [0130]). The system or services also collects non-personal information “based upon his or her activity on the Site or the way the user uses services” (e.g., Web site URL, browser used, page views, IP address, which is “compiled and analyzed on an aggregated basis” (paragraph [0131])). Thus, the non-personal identifying information disclosed in Miller is directed Web browsing activities. By contrast, the data gathered as recited in claim 1 is directed to electronic activities that include more than Web browsing (i.e., electronic activities comprise “drafting an email, searching a web-based electronic search engine, entering a new task or accessing an existing task in an electronic task folder, and creating, editing, or viewing a document”). Miller is devoid of gathering data in response to electronic activities that include those recited in Applicants’ amended claim 1.

As Miller fails to teach or suggest these features recited in claim 1, the introduction of Lucas for allegedly teaching “automatically executing the transaction on behalf of the network user, the automatically executing the transaction including executing a purchase of a service/product on behalf of the network user” and also the introduction of Maislin for allegedly teaching “comparing the electronic activities with previously-conducted electronic activities by the network user,” fail to cure the aforementioned deficiencies of Miller.

For at least this reason, the Applicants submit that claim 1 is patentable over Miller, Lucas, and Maislin, both alone and in combination.

Independent claim 10 is directed to a storage medium for automating recurrent electronic transactions conducted over a network. Claim 10 has been amended to recite, *inter alia*, “the electronic activities subject to the gathering comprising accessing a web site, performing a detectable user action on a web page, drafting an email, searching a web-based electronic search engine, entering a new task or accessing an existing task in an electronic task folder, and creating, editing, or viewing a document; wherein the data gathered includes data collected in response to each of the electronic activities conducted by the network user.”

As indicated above with respect to claim 1, neither Miller, nor Lucas, alone or in combination teaches, suggests, or renders obvious “gathering...data...in response to

electronic activities conducted by a network user...the electronic activities subject to the gathering comprising accessing a web site, performing a detectable user action on a web page, drafting an email, searching a web-based electronic search engine, entering a new task or accessing an existing task in an electronic task folder, and creating, editing, or viewing a document; wherein the data gathered includes data collected in response to each of the electronic activities conducted by the network user,” as recited in independent claim 10. For at least this reason, the Applicants submit that claim 10 is patentable over Miller, Lucas, and Maislin, and is in condition for allowance.

Independent claim 19 is directed to a system for automating recurrent electronic transactions conducted over a network. Claim 1 has been amended to recite, *inter alia*, “a computer system; and

a purchasing system executed via the computer system, the purchasing system implementing a method, comprising:

the electronic activities subject to the gathering comprising accessing a web site, performing a detectable user action on a web page, drafting an email, searching a web-based electronic search engine, entering a new task or accessing an existing task in an electronic task folder, and creating, editing, or viewing a document; wherein the data gathered includes data collected in response to each of the electronic activities conducted by the network user.”

As indicated above with respect to claim 1, none of Miller, Lucas, and Maislin, alone or in combination, teaches, suggests, or renders obvious “gathering...data...in response to electronic activities conducted by a network user...the electronic activities subject to the gathering comprising accessing a web site, performing a detectable user action on a web page, drafting an email, searching a web-based electronic search engine, entering a new task or accessing an existing task in an electronic task folder, and creating, editing, or viewing a document; wherein the data gathered includes data collected in response to each of the electronic activities conducted by the network user,” as recited in independent claim 19. For at least this reason, the Applicants submit that claim 19 is patentable over Miller, Lucas, and Maislin and is in condition for allowance.

Claims 3, 4, 6, 7, 12, 13, 20, and 22 depend from what should be allowable base

claims 1, 10, and 19, respectively. For at least these reasons, claims 3, 4, 6, 7, 12, 13, 20, and 22 are in condition for allowance.

In addition, claim 3, 12, and 20 have been amended to recite, *inter alia*, “wherein the policies and rules include:

placing an upper limit on an amount of money that is authorized to be spent on a transaction;

placing a time limit on when a transaction may be executed;

prescribing authorized vendors, suppliers, or entities through which a transaction may be entered; and

specifying delivery options for items and services associated with a transaction.”

Miller teaches policies relating to availability and vendor selection; however, there is no teaching or suggesting in Miller of policies and rules relating to limits of money authorized for a transaction and/or time limits on transaction execution, as recited in claims 3, 12, and 20.

Lucas and Maislin are also is devoid of teaching these features. The Examiner relies upon McLaughlin for allegedly teaching “placing an upper limit on an amount of money that is authorized to be spent on a transaction,” citing paragraphs [0087]-[0093] in support. Even assuming, *arguendo*, McLaughlin discloses the recited upper limits for a transaction, McLaughlin, Miller, Lucas, and Maislin are devoid of teaching policies that include: “placing an upper limit on an amount of money that is authorized to be spent on a transaction;

placing a time limit on when a transaction may be executed;

prescribing authorized vendors, suppliers, or entities through which a transaction may be entered; *and*

specifying delivery options for items and services associated with a transaction.” For at least this reason, the Applicants submit that claims 3, 12, and 20 are patentable over Miller, Lucas, Maislin, and McLaughlin.

Claims 5 and 14 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Miller in view of Lucas and Agrawal. This rejection is traversed for the

following reasons.

Agrawal was relied upon for allegedly disclosing searching a service/product database to ensure that the items and services associated with the transaction are compatible with the transaction, but fails to cure the deficiencies of Miller in view of Lucas and Maislin discussed above with reference to claims 1 and 10. Claims 5 and 14 depend from claims 1 and 10, respectively, and are patentable over Miller in view of Lucas, Maislin, and Agrawal for at least the reasons advanced with reference to claims 1 and 10.

With respect to claims 8, 9, 18, and 24, the Examiner relies on the combination of Miller, Lucas, Maislin, and Keskar for allegedly teaching the features recited therein. Claim 8 recites, *inter alia*, “wherein the electronic activities includes accessing a personal information calendar.” As indicated above with respect to claim 1, the combination of Miller, Lucas, and Maislin fail to teach or suggest the listing of electronic activities in which data is gathered. Thus, the introduction of Keskar for allegedly teaching accessing a personal information calendar would not cure the aforementioned deficiencies. Accordingly, for at least this reason, the Applicants submit that claim 8 is patentable over Miller in view of Lucas, Maislin, and Keskar. Claim 9 is believed to be allowable for at least the reason it depends from claim 8, which is allowable. Claims 18 and 24 recite similar features as those described in claims 8 and 9. For at least the reasons advanced above with respect to claims 8 and 9, the Applicants submit that claims 18 and 24 are also in condition for allowance.

Claims 16, 17, and 23 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Miller in view of Lucas and Official Notice. This rejection is traversed for the following reasons.

Official Notice was relied upon for an application program interface, but fails to cure the deficiencies of Miller in view of Lucas, Maislin, and McLaughlin discussed above with reference to claims 10, 15, and 19. Claims 16, 17, and 23 depend from claims 10 and 19, respectively, and are patentable over Miller in view of Lucas, Maislin, McLaughlin, and Official Notice for at least the reasons advanced with reference to claims 10, 15, and 19.

Reconsideration and withdrawal of the rejections to claims 1, 3-10, 12-14, 16-20, and 22-24 is respectfully requested.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Final Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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